



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION I

5 POST OFFICE SQUARE, SUITE 100
BOSTON, MASSACHUSETTS 02109-3912

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

AUG 26 2013

Carolyn McDonough, P.E.
Associate Director of Facilities Management for Planning, Design, & Construction
University of Maine
5765 Service Building
Orono, Maine 04469-5765

Re: PCB Cleanup and Disposal Approval under 40 CFR §§ 761.61(a) and (c)
and § 761.79(h)
University of Maine Field House
Orono, Maine

Dear Ms. McDonough:

This is in response to the University of Maine (UMaine) Notification¹ for approval of the proposed plan to address PCB contamination at the University of Maine Field House (the Site) located on the University of Maine campus in Orono, Maine. The Site contains PCB-contaminated building materials that exceed the allowable PCB levels under 40 CFR § 761.20(a), § 761.61, and § 761.62. Specifically, PCBs have been found in caulk and in the adjacent building substrates (i.e., brick, concrete, door frames and lintels).

UMaine has requested an approval under 40 CFR § 761.61(a) that includes the following activities:

- Remove *non-porous surfaces* in contact with PCB caulk (i.e., door frames and steel lintels) and dispose as a *PCB bulk product waste* in accordance with § 761.62(a);
- Remove caulk and associated *porous surfaces* (i.e., brick and concrete masonry to a minimum distance of 9.625 inches along each vertical side and to a minimum 1 brick or equivalent distance above the top of the doors) and dispose as a *PCB bulk product waste* in accordance with § 761.62(a);

¹ The notification was prepared by Woodard & Curran on behalf of the University of Maine, Orono to satisfy the notification requirement under 40 CFR § 761.61(a)(3). Information was submitted dated August 1, 2013 (PCB Remediation Plan); August 2, 2013 (contractor work plan); August 14, 2013 (Response to Comments); and August 21, 2013 (email responses to contractor work plan comments). These submittals shall be referred to as the "Notification".

- Remove *porous surfaces* (i.e., the concrete threshold) to a depth of 1-inch and a distance of 9.625 inches from the horizontal joint and dispose as a *PCB bulk product waste* in accordance with § 761.62(a); and,
- Collect verification samples of *porous surfaces* to confirm that the PCB cleanup standard of less than or equal to (\leq) 1 part per million (ppm) has been met.

With the exception of the proposed verification sampling frequency for *porous surfaces*, the Notification meets the requirements and standards established under § 761.61(a), § 761.62, and § 761.79 for cleanup and disposal of *PCB remediation waste* and *PCB bulk product waste*.

UMaine has proposed a deviation from the verification sampling frequency specified under § 761.61(a)(6). EPA has determined that insufficient data was provided to support the alternative verification sampling frequency. EPA is requiring a higher sampling frequency to confirm the remedial approach. If the sampling results support the removal plan, EPA may consider a reduction to the frequency. (Please see Attachment 1, Condition 12.b.) EPA has determined that this approach will be adequate to confirm that the cleanup standard has been met and that the sampling approach will not create an unreasonable risk to public health or the environment. EPA may approve the sampling approach under § 761.61(c).

UMaine may proceed with its project in accordance with 40 CFR §§ 761.61(a) and (c); § 761.62; § 761.79(h); its Notification; and, this Approval, subject to the conditions of Attachment 1.

Questions and correspondence regarding this Approval should be directed to:

Kimberly N. Tisa, PCB Coordinator (OSRR07-2)
United States Environmental Protection Agency
5 Post Office Square, Suite 100
Boston, Massachusetts 02109-3912
Telephone: (617) 918-1527
Facsimile: (617) 918-0527

EPA shall not consider this project complete until it has received all submittals required under this Approval. Please be aware that upon EPA receipt and review of the submittals, EPA may request any additional information necessary to establish that the work has been completed in accordance with 40 CFR Part 761, the Notification, and this Approval.

Sincerely,

A handwritten signature in cursive script, appearing to read "James T. Owens III", followed by a horizontal line and a small flourish.

James T. Owens III, Director
Office of Site Remediation & Restoration

cc Amy Martin, Woodard & Curran
Stacy Ladner, MEDEP
File

Attachment 1 – PCB Approval Conditions

ATTACHMENT 1: PCB CLEANUP AND DISPOSAL APPROVAL CONDITIONS
UNIVERSITY OF MAINE FIELD HOUSE (the Site)
UNIVERSITY OF MAINE
ORONO, MAINE

GENERAL CONDITIONS

1. This Approval is granted under the authority of Section 6(e) of the Toxic Substances Control Act (TSCA), 15 U.S.C. § 2605(e), and the PCB regulations at 40 CFR Part 761, and applies solely to the *PCB bulk product waste* and the *PCB remediation waste* located at the Site and identified in the Notification.
2. The University of Maine (UMaine) shall conduct on-site activities in accordance with the conditions of this Approval and with the Notification.
3. In the event that the cleanup plan described in the Notification differs from the conditions specified in this Approval, the conditions of this Approval shall govern.
4. The terms and abbreviations used herein shall have the meanings as defined in 40 CFR § 761.3 unless otherwise defined within this Approval.
5. UMaine must comply with all applicable federal, state and local regulations in the storage, handling, and disposal of all PCB wastes, including PCBs, PCB Items and decontamination wastes generated under this Approval. In the event of a new spill during response actions, UMaine shall contact EPA within 24 hours for direction on PCB cleanup and sampling requirements.
6. UMaine is responsible for the actions of all officers, employees, agents, contractors, subcontractors, and others who are involved in activities conducted under this Approval. If at any time UMaine has or receives information indicating that UMaine or any other person has failed, or may have failed, to comply with any provision of this Approval, it must report the information to EPA in writing within 24 hours of having or receiving the information.
7. This Approval does not constitute a determination by EPA that the transporters or disposal facilities selected by UMaine are authorized to conduct the activities set forth in the Notification. UMaine is responsible for ensuring that its selected transporters and disposal facilities are authorized to conduct these activities in accordance with all applicable federal, state and local statutes and regulations.
8. This Approval does not: 1) waive or compromise EPA's enforcement and regulatory authority; 2) release UMaine from compliance with any applicable requirements of federal, state or local law; or 3) release UMaine from liability for, or otherwise resolve, any violations of federal, state or local law.

9. Failure to comply with the Approval conditions specified herein shall constitute a violation of the requirement in § 761.50(a) to store or dispose of PCB waste in accordance with 40 CFR Part 761 Subpart D.

NOTIFICATION AND CERTIFICATION CONDITIONS

10. This Approval may be revoked if the EPA does not receive written notification from UMaine of its acceptance of the conditions of this Approval within 10 business days of receipt.

CLEANUP AND DISPOSAL CONDITIONS

11. To the maximum extent practical, engineering controls, such as barriers, and removal techniques, such as the use of HEPA ventilated tools, shall be utilized during removal processes. In addition, to the maximum extent possible, disposable equipment and materials, including PPE, will be used to reduce the amount of decontamination necessary.
12. PCB-contaminated materials shall be decontaminated and confirmatory sampling and analysis shall be conducted as described below:
 - a. All visible residues of PCB-contaminated caulk and associated *porous* and *non-porous surfaces* (i.e., *PCB bulk product waste*) shall be removed as described in the Notification.
 - b. The cleanup standard for *porous surfaces* (i.e., concrete and brick) shall be less than or equal to (\leq) 1 part per million (ppm).
 - i) All post-cleanup verification sampling for *porous surfaces* shall be performed on a bulk basis (i.e., mg/kg) and reported on a dry weight analysis. Verification sampling for *porous surfaces* shall be conducted in accordance with the EPA Region 1 *Standard Operating Procedure for Sampling Porous Surfaces for Polychlorinated Biphenyls (PCBs) Revision 4, May 5, 2011*, at a maximum depth interval of 0.5 inches.
 - (1) Samples shall be collected at a minimum of 1 sample per 10 linear feet (lf) of caulk for the first 25% (4 doors) of the doors. All joint types must be included in this initial sampling as identified on Table 1 of the August 14, 2013 submittal.

- (2) The results of this initial sampling shall be submitted to EPA. If the cleanup standard of ≤ 1 ppm is met for all samples, EPA may consider a reduction of the sampling frequency to 1 sample per 20 lf of caulk for the remaining doors.
 - ii) Chemical extraction for PCBs shall be conducted using Methods 3500B/3540C of SW-846; and, chemical analysis for PCBs shall be conducted using Method 8082 of SW-846, unless another extraction/analytical method(s) is validated according to Subpart Q.
 - iii) In the event **any** verification sample exceeds the PCB cleanup standard, UMaine shall contact EPA for a determination on the appropriate verification sampling frequency for the remaining *porous surfaces*.
- 13. PCB waste (at any concentration) generated as a result of the activities described in the Notification, excluding any decontaminated materials, shall be marked in accordance with 40 CFR § 761.40; stored in a manner consistent with 40 CFR § 761.65; and, disposed of in accordance with 40 CFR § 761.61 or § 761.62, unless otherwise specified below.
 - a. Decontamination wastes and residues shall be disposed of in accordance with 40 CFR § 761.79(g)(6).
 - b. Moveable equipment, tools, and sampling equipment shall be decontaminated in accordance with either 40 CFR § 761.79(b)(3)(i)(A), § 761.79(b)(3)(ii)(A), or § 761.79(c)(2).
 - c. PCB-contaminated water generated during decontamination shall be decontaminated in accordance with 40 CFR § 761.79(b)(1) or disposed of under § 761.60.

INSPECTION, MODIFICATION AND REVOCATION CONDITIONS

- 14. UMaine shall allow any authorized representative of the Administrator of the EPA to inspect the Site and to inspect records and take samples as may be necessary to determine compliance with the PCB regulations and this Approval. Any refusal by UMaine to allow such an inspection (as authorized by Section 11 of TSCA) shall be grounds for revocation of this Approval.
- 15. Any proposed modification(s) in the plan, specifications, or information in the Notification must be submitted to EPA no less than 14 calendar days prior to the proposed implementation of the change. Such proposed modifications will be subject to the procedures of 40 CFR § 761.61(a)(3)(ii).

16. Any departure from the conditions of this Approval without prior, written authorization from the EPA may result in the revocation, suspension and/or modification of the Approval, in addition to any other legal or equitable relief or remedy the EPA may choose to pursue.
17. Any misrepresentation or omission of any material fact in the Notification or in any records or reports may result in the EPA's revocation, suspension and/or modification of the Approval, in addition to any other legal or equitable relief or remedy the EPA may choose to pursue.
18. Approval for these activities may be revoked, modified or otherwise altered: if EPA finds a violation of the conditions of this Approval or of 40 CFR Part 761, including EPA's PCB Spill Cleanup Policy, or other applicable rules and regulations; or, if EPA finds that these activities present an unreasonable risk to public health or the environment.

RECORDKEEPING AND REPORTING CONDITIONS

19. UMaine shall prepare and maintain all records and documents required by 40 CFR Part 761, including but not limited to the records required under Subparts J and K. A written record of the cleanup and disposal and the analytical sampling shall be established and maintained by UMaine in one centralized location, until such time as EPA approves in writing a request for an alternative disposition of such records. All records shall be made available for inspection to authorized representatives of EPA.
20. UMaine shall submit a final report as both a hard copy and electronic version, to the EPA within 60 days of completion of the activities authorized under this Approval. At a minimum, this final report shall include: a short narrative of the project activities with photo-documentation; characterization and confirmation sampling analytical results; copies of the accompanying analytical chains of custody; field and laboratory quality control/quality assurance checks; an estimate of the quantity of PCB waste disposed of; copies of manifests and bills of lading; and copies of certificates of disposal or similar certifications issued by the disposer.
21. Required submittals shall be mailed to:

Kimberly N. Tisa, PCB Coordinator
United States Environmental Protection Agency
5 Post Office Square, Suite 100 – (OSRR07-2)
Boston, Massachusetts 02109-3912
Telephone: (617) 918-1527
Facsimile: (617) 918-0527

22. No record, report or communication required under this Approval shall qualify as a self-audit or voluntary disclosure under EPA audit, self-disclosure or penalty policies.

END OF ATTACHMENT 1